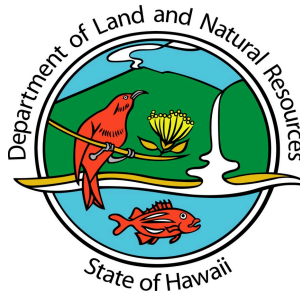




State of Oregon
Department of
Environmental
Quality



October 31, 2012

The Honorable John D. Rockefeller
Chairman, Committee on Commerce,
Science and Transportation
531 Hart Senate Office Building
Washington, DC 20515

The Honorable John L. Mica
Chairman, House Transportation
and Infrastructure Committee
2165 Rayburn House Office Building
Washington, DC 20515

The Honorable Mark Begich
Chairman, Oceans, Atmosphere, Fisheries
and Coast Guard Subcommittee
254 Russell Senate Office Building
Washington, DC 20515

The Honorable Frank A. LoBiondo
Chairman, Coast Guard and Maritime
Transportation Subcommittee
507 Ford House Office Building
Washington, DC 20515

Dear Senators and Representatives:

On behalf of the undersigned State Agencies and Departments (collectively States), including members of the Pacific Ballast Water Group, we are writing to express our serious concern with the provisions of the House-passed version of H.R. 2838, the Coast Guard and Maritime Transportation Act of 2011 (Act). We strongly object to provisions that would preempt States' authority to address vessel discharges, including ballast water. We understand that House and Senate staff has been informally conferring on the provisions of this Act in preparation for further floor action.

The vessel discharge provisions of House-passed H.R. 2838 erode State authority by repealing section 1101 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (NANPCA) and exempting ballast water and other discharges incidental to the normal operation of vessels from the federal Clean Water Act (CWA). If adopted, H.R. 2838 would eliminate the long-standing ability of States to protect unique state waters from shipping-mediated pollution, the introduction of non-native species, and their associated deleterious economic, human health and ecological impacts.

We applaud the Congress' attention to the critical problem of vessel-borne pollution, including the introduction of non-native species into aquatic ecosystems. Absent more stringent standards and authorities to protect state waters beyond what are currently being proposed, we believe that the regulation of these discharges is appropriately addressed by retaining

State authority under NANPCA and the CWA. NANPCA and the CWA were written, and have been implemented, with the understanding that unique conditions in each State often require unique solutions within a State's jurisdiction.

The States are currently working together through the Pacific Ballast Water Group to create consistent regional strategies to manage vessel discharges. Please preserve the rights of States to regulate State waters and ensure that the ballast water and commercial vessel discharge reform provisions remain out of the final Coast Guard Authorization Act. Thank you for considering our views on this important issue.

Sincerely,

A blue ink signature of Curtis Fossum, consisting of stylized, overlapping loops and a long horizontal stroke at the end.

Curtis Fossum
Executive Officer
California State Lands Commission

A blue ink signature of Dick Pederson, featuring a large, stylized 'D' followed by a series of loops and a long horizontal stroke.

Dick Pederson
Director
Oregon Department of Environmental Quality

A blue ink signature of Phil Anderson, showing a series of loops and a long horizontal stroke.

Phil Anderson
Director
Washington Department of
Fish and Wildlife

A blue ink signature of Robert T. Nishimoto, featuring a series of loops and a long horizontal stroke.

Robert T. Nishimoto
Program Manager
Hawaii Department of Land
and Natural Resources

cc: Honorable Barbara Boxer, Chair, Committee on Environment and Public Works